



State of Louisiana
DIVISION OF ADMINISTRATION
OFFICE OF HUMAN RESOURCES

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DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 21

EFFECTIVE DATE: August 5, 1993; Revised May 16, 2001

SUBJECT: Family and Medical Leave Act (FMLA)

AUTHORIZATION: Whitman J. Kling, Jr., Deputy Undersecretary

I. POLICY:

It is the policy of the Division of Administration that up to 12 weeks of job-protected leave during a twelve month period will be provided to eligible employees under the provisions of the Family and Medical Leave Act of 1993 (FMLA) for the following qualifying events:

- A. The birth of a child and/or to care for the baby. *
- B. The acceptance of a child for adoption or foster care. *
- C. To care for the employee's spouse, child or parent with a serious health condition. *
- D. A serious health condition that makes the employee unable to perform the essential functions of his/her job.

* See Section V.B. for limitations.

II. PURPOSE:

To ensure the promulgation of rules governing the Family and Medical Leave Act, to assign responsibility for aspects of the policy, and to explain the process for adhering to the policy.

III. APPLICABILITY:

This policy shall be applicable to all sections of the Division of Administration, both general appropriation and ancillary appropriations.

IV. DEFINITIONS:

- A. **Child**: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."
- B. **Eligible Employee**: An employee who:
1. Has been employed by the State for a total of at least 12 months (these need not have been consecutive) on the date on which any FMLA leave is to commence, **and**
 2. Has worked **at least 1250 hours over the 12-month period preceding the start of the leave** (example: Leave to begin September 1, 1993; preceding 12 month period is September 1, 1992 to August 31, 1993).
- C. **Equivalent Position**: Will have the same pay, benefits and working conditions, including privileges, perquisites and status. Intangible, immeasurable aspects of the job (i.e., the perceived loss of potential for future promotional opportunities) are not guaranteed. Equivalent positions involve the same or substantially similar duties and responsibilities, requiring substantially equivalent skill, effort, responsibility and authority. Equivalent positions will be at the same or a geographically proximate work site where the employee had previously been employed.
- D. **Health Care Provider**:
1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices, or
 2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist), or
 3. Nurse practitioners, nurse midwives and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law, or
 4. Christian Science practitioners with restrictions as outlined in the Federal Regulations.
 5. Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits, or

6. Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits, or
 7. A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.
- E. **Intermittent Leave:** Under certain circumstances, the employee may be entitled to use the 12 week period in small blocks of time (hours, days, weeks) which total 12 weeks rather than 12 consecutive weeks. Increments shall not be smaller than ¼ hour.
- F. **Parent:** A biological or adoptive parent, or a person who stood in loco parentis to an employee when the employee was a child. This term does not include an employee's mother-in-law or father-in-law.
- G. **Reduced Leave Schedule:** Leave schedule, which reduces the usual number of hours per workweek or hours per workday.
- H. **Serious Health Condition:**

What is a "serious health condition" entitling an employee to FMLA leave?

(Taken from the Federal Regulations Part 825.114, Page 98-99, Revised April 1995)

- (a) For purposes of FMLA, "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involved:
- (1) **Inpatient care** (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom), or any subsequent treatment in connection with such inpatient care; or
 - (2) **Continuing treatment** by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - (i.) A period of incapacity of more than three consecutive calendar days, and **any subsequent treatment or period of incapacity relating to the same condition**, that also involves:
 - (A) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care service (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - (B) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

- (ii.) **Any period of incapacity due to pregnancy, or for prenatal care.**
 - (iii.) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - (A) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - (B) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - (C) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc).
 - (iv.) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
 - (v) Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer chemotherapy, radiation, etc.,) severe arthritis (physical therapy), kidney disease (dialysis).
- (b) Treatment for purposes of paragraph (a) of this section includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under paragraph (a)(2)(i)(B), a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- (c) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.
- (d) Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

- (e) Absences attributable to incapacity under paragraphs (a)(2)(ii) or (iii) qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

- I. **Spouse:** Husband or wife as defined in accordance with the law of the State in which the employee resides.

- J. **Twelve-month Period:** The twelve-month period beginning on the date the first quarter hour of FMLA leave is taken by the employee.

For example: If the employee begins taking FMLA leave on August 1, 1999, the twelve-month period would be August 1, 1999 through July 31, 2000. The employee's second twelve-month period, however, does not start until he/she again uses FMLA leave. So if that same employee does not take leave attributable to FMLA from the period July 31, 2000 through October 1, 2000, but takes FMLA leave on October 1, 2000, his/her next twelve-month period would begin October 1, 2000.

V. **PROCEDURE:**

- A. **How Leave May Be Scheduled:** Leave may be taken in consecutive days or weeks or it may be taken intermittently or on a schedule that reduces the usual number of hours per workday or workweek when required.

Employees requesting intermittent leave or a reduced work schedule may be temporarily transferred to an alternative position with equivalent pay and benefits if it better accommodates recurring periods of leave.

- B. **Limitations Regarding Leave Schedules:**

Intermittent or reduced leave schedules following the birth, adoption, or foster care of a child as part of a gradual return to work schedule will be allowed provided that the section head determines that such intermittent leave does not interfere with the efficient operation of the section. The section head may stipulate that leave for these purposes must be taken consecutively if that schedule will provide more business efficiency.

When both spouses in a family are employed by the Division of Administration, they may take a combined total of 12 weeks if they are taking leave for the birth or adoption of a child or to care for a sick parent. This limitation does not apply to leave taken by one spouse to care for the other who is seriously ill, to care for a child with a serious health condition, or to care for the employee's own serious illness.

- C. **Calculation of the Twelve Week Period for Part-time Employees:** For part-time employees, FMLA leave is calculated as a percentage of the time actually worked.

- D. **Who Determines That An Absence is FMLA Eligible:**

Federal Regulations indicate that it is always the employer's (section head's) responsibility to determine when an employee's absence is for an FMLA eligible reason. In the DOA, the section head or his/her designated representative will make the determination with consultation from the Office of Human Resources when appropriate. The determination that an absence is FMLA eligible must be based only on information the employer solicits from the employee or the employee's spokesperson.

1. There will be some situations where it is evident that the absence is for an FMLA eligible event, such as:

The employee's spouse or other spokesperson calls to tell the supervisor that the employee has been admitted to the hospital for a heart attack, appendicitis, pneumonia, etc., or

The employee calls the supervisor to say that his/her parent is gravely ill and the employee will be absent caring for the parent (any amount of absence counts as FMLA eligible), or

The employee's parent calls the supervisor to report that the employee's child is hospitalized and the employee will be absent (any amount of absence counts as FMLA eligible), or

The employee has a scheduled surgery and notifies the supervisor that he/she will be hospitalized.

In situations such as these, the section head must immediately verbally notify the employee that the absence will be considered FMLA and deducted from the employee's FMLA balance. All verbal notification must be followed immediately with written notice as discussed elsewhere in this policy. Failure to provide timely written notification may preclude the section head from deducting the leave from the employee's FMLA balance.

2. Furthermore, should the employee be absent for more than 3 consecutive work days due to illness or incapacity, the section head must notify the employee that the absence will be designated as FMLA eligible. Should the required documentation later prove that the absence was not FMLA eligible, the employee will be notified and the hours of FMLA leave deducted will be restored.

3. In other situations, it will not be as clear that the absence is FMLA eligible. In those situations, the section head must take positive action to determine if FMLA leave is appropriate. Specifically, the section head must ask the employee/spokesperson if present conditions constitute an FMLA-qualifying condition/event (see I. A – D). To clarify the serious health condition issue and simplify this process, the section head can provide to the employee a copy of the OF-702, "What Is A Serious Health Condition

Entitling An Employee To FMLA Leave,” provide the employee an opportunity to review the document and then ask if any of the listed situations apply to him/herself or his/her parent, spouse, or child.

A section head makes the initial, immediate determination that the employee’s absence is FMLA eligible based on:

- The section head’s opinion based on what the employee or his/her spokesperson tells the employer, and/or
- The section head’s opinion based on the circumstances, and/or
- The Certification of Health Care Provider, if available.

Should the employer discover later that the absence is not FMLA eligible, the employee shall be so notified and the FMLA leave taken restored to the employee’s balance. This could happen after a review of the documentation required by the employer in the notification to the employee discussed below.

E. **Notification to the Employee That His/Her Absence is FMLA Eligible**

When the employer makes an initial, immediate determination that the absence is FMLA eligible, the employer **must provide notification to the employee** that the absence will be deducted from the employee’s FMLA balance. It is **not** necessary to have the health care provider certification to begin counting leave as FMLA.

If the employer notifies the employee (verbally or in writing) within two business days of learning that the leave may be FMLA eligible, FMLA leave may be deducted from the employee’s balance retroactively to the first day leave was taken.

This notice may be made verbally, however, if is made verbally, **it must be followed up in writing, using Form OF-699, prior to the next payday or within 13 calendar days, whichever is later.**

The Form OF-699 provides the section head the opportunity to require the employee to have completed the Certification of Health Care Provider, (OF-681). If the absence is for a serious health condition of the employee, his/her spouse, child, parent, this form will be required.

If the absence is for the adoption or acceptance of a child for Foster Care, the OF-699 should be amended to require appropriate documentation to substantiate the request for absence. Contact the Office of Human Resources for guidance on what documentation is needed.

If, after review of the Certification of Health Care Provider or other documentation, the employer questions whether the absence is, in fact, eligible under the FMLA, the employer should bring the matter to the Office of Human Resources for guidance. Likewise, if the employee disagrees with the FMLA designation and the use of FMLA leave, the employer and employee should consult with the Office of Human Resources for guidance.

- F. **Leave Categories:** While absent for an FMLA eligible event, and using (drawing down) FMLA leave, an employee is also required to use any available balance of **applicable paid** leave, that is, sick leave, annual leave, or straight time compensatory leave, **but never payable compensatory leave**. Courts have ruled that if an employee is using payable compensatory leave for an absence, the absence may not also be charged against the employee's FMLA balance. Consequently, employees will not be allowed to use payable compensatory leave while absent for an FMLA eligible event. When all available paid leave other than payable compensatory leave, is exhausted, the employee will be placed on leave without pay.

Note that to be "**applicable**," the leave must be used in compliance with Civil Service Rules.

G. **Notice From Employee of Need for FMLA Leave:**

1. Any time that an employee requests leave in any category for a purpose which is eligible under the FMLA, he/she **shall** notify the immediate supervisor that the leave requested is FMLA leave. If the employee is uncertain as to whether or not the leave is eligible under the FMLA, he/she should ask the supervisor. When in doubt, the supervisor should seek guidance as directed by his/her section head from the Office of Human Resources.
2. **Foreseeable Need:** The employee must provide 30 days **advance** written notice to the immediate supervisor if possible, when the leave is foreseeable. If 30 days advance notice is not possible, the employee must notify the immediate supervisor as soon as the need for leave is known. If the immediate supervisor is not available, the notice must be provided to the immediate supervisor's supervisor or the section head. When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the leave so as to avoid disrupting the section head's operations, subject to the approval of the health care provider.
3. **Emergency Need:** In cases where the employee cannot provide advance notice, the employee or the employee's spokesperson must give notice to the supervisor as soon as practicable, but at least within three workdays following the event.

H. **DOA requires completed Health Care Provider Certifications (OF-681) when:**

1. The employee is unable to perform the essential duties of his/her position and/or requires leave on a full-time basis or on an intermittent basis.
2. The employee requests Family and Medical Leave to care for a seriously ill family member.
3. The employee is able to return to work after a serious medical condition, which has caused an absence for which Family and Medical Leave applies. A certification of health care provider must be submitted to attest to the employee's fitness for duty.
4. The section head may request a completed OF-681 no more often than every thirty days, unless circumstances described by the previous certification have changed significantly. If the minimum duration of the period of incapacity specified on initial certification is more than 30 days, re-certification may not be requested until that specified period has expired.

Employee's failure to provide medical certification will **not** prevent employer from counting leave against employee's FMLA entitlement. However, if an employee does not provide requested medical certification, the employer **may** refuse to grant FMLA leave and disciplinary action may be taken.

I. **Second and/or Third Medical Opinions:** May be required at the employer's expense.

J. **Group Health and Life Insurance:**

1. **Maintenance:** For the duration of Family and Medical Leave, and if the employee so wishes, the employee's pre-existing health and life insurance coverage under the Office of Group Benefits (formerly State Employees' Group Benefit Program) shall be maintained at the same level and under the same conditions as was provided prior to commencement of the leave.
2. **Premium Payments:** When the leave is unpaid, the employee must contact the Office of Finance and Support Services to arrange payment of the employee's share of the premium. These arrangements will accommodate the financial situation of the employee as well as the administrative concerns of the Division of Administration.

Should the employee fail to provide his/her share of the insurance premium per the agreement, the DOA **shall** continue to submit the employee's share.

- a. The DOA shall pursue repayment of these premiums upon return of the employee as allowed by the FMLA.

- b. Repayment shall be pursued from employees who do not return to work unless the failure to return was due to the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the employee's control.
- 3. **When Coverage Is Dropped:** The DOA shall no longer pay the employee's portion of the premium and thus cease maintenance of health and life benefits if and when:
 - a. The employee informs the agency of his/her intent not to return from leave, or
 - b. The employee fails to return from leave, thereby terminating employment, or
 - c. The employee exhausts the FMLA leave entitlement.

In some situations, the employee may be entitled to continue health care coverage under COBRA (Consolidated Omnibus Budget Reconciliation Act).

K. Restoration After Leave:

- 1. Upon return from Family and Medical Leave, most employees will be restored to their original or an equivalent position.

The use of Family and Medical Leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

- 2. Restoration may be denied under certain circumstances, including:
 - a. If it can be shown that the employee would not otherwise have been employed at the time reinstatement is requested; or
 - b. The employee fails to provide a fitness for duty certificate to return to work, if required; or
 - c. The employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc., as a result of the leave. However, the employee will be given a reasonable opportunity to fulfill such conditions upon return to work; or
 - d. The employee is unable to perform the functions of the position because of a physical or mental condition, including the continuation of a serious health condition.

VI. RESPONSIBILITY:

A. **The Deputy/Assistant Commissioners and equivalent are responsible for:**

Implementing the provisions of the policy.

Holding accountable the section heads under his/her supervision for adhering to all aspects of this policy.

Assuring the participation of all employees under his/her supervision (directly and indirectly) in all programs provided to educate employees regarding the Family and Medical Leave Act of 1993.

B. **Section Heads are responsible for:**

Assuring that each employee under his/her supervision, current and new:

1. Is made aware of this policy and its contents as well as any forthcoming revisions, and
2. Is informed that he/she must abide by the terms of the policy, and
3. Is informed of the consequences of any violation of this policy.

Assuring that the required posting is maintained in all work areas.

Assuring that all required information is secured from the employee upon determination that FMLA leave is appropriate.

Assuring that records are maintained which reflect the dates Family and Medical Leave is taken by each employee, including daily and weekly hours worked per pay period.

Monitoring the effectiveness of and assuring compliance with this policy.

Assuring the participation of all employees under his/her supervision (directly and indirectly) in all programs provided to educate employees regarding the Family and Medical Leave Act of 1993.

Maintaining copies of employee notices of leave furnished under FMLA and assuring that the copies are forwarded to the Office of Human Resources, all the while assuring the maintenance of the confidentiality of this information.

Assuring that, **when an employee requests leave of any kind:**

1. The employee is questioned as to whether or not the circumstances are eligible under the Family and Medical Leave Act, and, if so,
2. The employee is informed, verbally or in writing, that the leave will be counted toward the 12 weeks of Family and Medical Leave for which the employee is eligible, and, if the notice is verbal, following up with written notice (by the next payday or in 13 calendar days whichever is greater), and
3. The conversation and facts are documented.

Providing for informal discussions of grievances and complaints in an effort to resolve problems prior to the filing of a formal complaint.

Maintaining records of any dispute between the agency and an employee regarding designation of leave as FMLA leave, including any written statement from the agency or employee of the reasons for the designation and for the disagreement.

Assuring that the list of essential functions assigned to the position of the employee requesting Family and Medical Leave is reviewed for accuracy (or an accurate list is prepared) and is attached to the OF-681.

Assuring that employees:

1. Are informed of the need for producing medical certifications when required by this policy, and
2. Are told when and to whom the medical certification must be delivered, and
3. Are informed as to when such a medical certification shall be considered delivered.

C. **Managers/Supervisors are responsible for:**

Complying with this policy in any fashion instructed by the section head.

D. **The Human Resources Director is responsible for:**

Keeping agency administrators apprised of developments in the federal law including required postings describing provisions of the Family and Medical Leave Act and providing training to administrators and managers regarding compliance with this act.

Maintaining copies of all general notices given to employees as required under FMLA, and any documents describing employer policies regarding the taking of paid and unpaid leaves.

Making records available for inspection as dictated by law by and for appropriate federal and state representatives.

Informing agency personnel of internal grievance/complaint procedures.

Immediately apprising the appointing authority of the situation upon becoming aware of an allegation of violation of the FMLA. Conducting an appropriate investigation.

E. **Finance and Support Services Director is responsible for:**

Maintaining (for at least three years) basic payroll records and identifying employee data; rate or basis of pay and terms of compensation; additions to or deductions from wages; total compensation paid; and premium payments for employee benefits.

Making records available for inspection as dictated by law by and for appropriate federal and state representatives.

Assuring that the employee's share of State sponsored health and life insurance premiums are paid to the appropriate insurance carrier during Family and Medical Leave, to include working with the employee to arrange receipt of his/her payment when leave without pay applies.

With the assistance of the legal staff, recouping employee's share of the premiums paid by the DOA as permitted by the FMLA.

F. **Employees are responsible for:**

Informing the section head (or his/her designee) when requested leave is due to a reason covered by the Family and Medical Leave Act as listed on page one of this policy.

Complying with all aspects of this policy and immediately bringing violations to the attention of a supervisor.

Making arrangement with staff of the Office of Finance and Support Services for direct payment of insurance premiums (health and life) in the event that leave without pay becomes necessary and payroll deduction of premiums is not possible.

Reimbursing the agency (through staff of the Office of Finance and Support Services) for insurance premiums paid on the employee's behalf.

Timely submitting Health Care Provider Certifications or other documents which are completed in full when required by this policy or by the section head or his/her representative.

VII. EXCLUSIONS:

Exceptions to this policy must be submitted in writing to the appointing authority.

VIII. QUESTIONS:

Questions regarding this policy should be directed to staff of the Office of Human Resources.

IX. VIOLATIONS:

It is unlawful and thus prohibited for any employer, administrator, manager, or supervisor to:

- A. Interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act; or
- B. Discriminate against an employee in any way for using his/her FMLA entitlement; or
- C. Discharge or discriminate against any person for opposing any practice made unlawful by the Family and Medical Leave Act or for involvement in any proceeding under or relating to the Family and Medical Leave Act.

Employees found to have violated this policy may be subject to disciplinary action and/or denial or delay of requested leave.

X. OTHER CONSIDERATIONS:

Should any aspect of the Americans With Disabilities Act (ADA) be applicable, the Division of Administration shall comply with this law.

XI. FOOTNOTES:

The following documents related to the Family and Medical Leave Act notification and utilization can be found in Microsoft Word by clicking on "File," then clicking on "New," then clicking on the tab "Forms."

OF-681 Certification of Health Care Provider

This document must be provided to the employee to be completed by his/her health care provider. If the FMLA is the result of the employee's serious health condition, the OF-700, List of Essential Duties, and the OF-702, What is a Serious Health Condition Entitling an Employee to FLMA Leave, must be attached to the OF-681. If the FMLA is the result of the serious health condition of a parent, spouse, child, etc., the Of-702, What is a Serious Health Condition Entitling an Employee to FMLA Leave, must be attached.

OF-700 List of Essential Duties

To be completed by the section head as an attachment to the OF-699 and the OF-681. In the Certification of Health Care Provider, the section head asks the health care provider if the employee can perform the essential functions of the employee's position. The health care provider must have specific information regarding the duties and tasks in order to determine if the employee can perform each individual duty or task.

OF-701 FMLA Usage Log

Available as a tool to assist the section head in tracking the employee's FMLA usage.

OF-702 What is a Serious Health Condition Entitling an Employee to FMLA Leave

Available to assist the section head and employee in determining whether an absence is due to an FMLA eligible serious health condition. Should also be attached to the OF-681, Certification of Health Care Provider, to assist the health care provider in the same determination.

OF-703 Required Posting

This document must be posted and remain posted in a conspicuous place available to all employees for review.

OF-699 Family and Medical Leave Act Notice to the Employee

If the absence is a result of the serious health condition of the employee, the OF-699 must include as an attachment the OF-681, Certification of Health Care Provider, and the OF-700, List of Essential Duties.

If the absence is a result of the serious health condition of another eligible person such as spouse, parent, child, the OF-699 must include as an attachment the OF-681, Certification of Health Care Provider.

